

BEFORE THE IOWA BOARD OF PHARMACY

RE:)	Case No. 2019-0173
Pharmacy License of)	
)	
HY-VEE FOOD & DRUG 2)	COMBINED STATEMENT OF
License No. 126)	CHARGES, SETTLEMENT
)	AGREEMENT, AND FINAL ORDER
RESPONDENT.)	

COME NOW the Iowa Board of Pharmacy ("Board") and Hy-Vee Food & Drug 2 ("Respondent") 2540 East Euclid Ave, Des Moines, Iowa 50317, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order"), pursuant to Iowa Code sections 17A.10 and 272C.3(4), and 657 Iowa Administrative Code rule 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 155A, and 272C, and 657 Iowa Administrative Code chapter 36.

A. STATEMENT OF CHARGES

COUNT I

**FAILING TO ENSURE REGISTRATION OF PHARMACY STAFF
AND SUPPORT PERSONS**

1. Respondent is charged with failing to ensure that the registration of each professional pharmacy staff member and the registration of each pharmacy support person are maintained in current and active status as mandated by 657 Iowa Administrative Code rule 8.3(3)"d", and may be disciplined pursuant to Iowa Code sections 155A.12(1) and 657 Iowa Administrative Code rule 36.6(21).

B. FACTUAL CIRCUMSTANCES

2. Respondent employed a new technician trainee from March 13, 2019, to May 15, 2019, yet the Board did not receive the new technician trainee's registration application until September 9, 2019.

3. 657 Iowa Administrative Code rule 3.3(3) requires a person who is employed in a pharmacy and who is receiving technician training through work experience to obtain a pharmacy technician trainee registration within 30 days of commencement of pharmacy technician training.

4. This is Respondent's second instance of allowing a technician to work in the pharmacy without registration beyond the 30-day period required by Board rule.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

5. The Board has jurisdiction over the parties and subject matter of this proceeding.
6. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.
7. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
8. Respondent acknowledges that it has the right to be represented by counsel on this matter.
9. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.
10. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.
11. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
12. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.
13. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
14. The Board's approval of this Order shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED:

15. Respondent is **CITED** for failing to ensure that the license, registration, or certification of each professional pharmacy staff member and the registration of each pharmacy support person are maintained in current and active status, and **WARNED** that future violations of the laws and rules governing pharmacists can result in further disciplinary action.

16. Respondent shall pay a **CIVIL PENALTY** in the amount of one thousand dollars (\$1,000) within sixty (60) days of this Order. The check shall be payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th Street, Suite E, Des Moines, Iowa 50309.

17. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 155A and 272C, and 657 Iowa Administrative Code chapter 36.

By the signature below, Alissa Bubon acknowledges s/he is the Pharmacy Manager for Respondent and is authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Respondent.

4-16-20
Date

Alissa Bubon
Hy-Vee Food & Drug 2
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 5th day of May, 2020.



Chairperson
Iowa Board of Pharmacy